

EXHIBIT A

FILED

NOV 15 2021

JULIE BALL
CLERK CIRCUIT COURT
MERCER COUNTY

IN THE CIRCUIT COURT OF MERCER COUNTY, WEST VIRGINIA

**GENEVA BELCHER and
BETTIS BELCHER,**

PLAINTIFF,

VS.

CIVIL ACTION NO. 21-C-224-mw

WAL-MART STORES, INC.,

DEFENDANT.

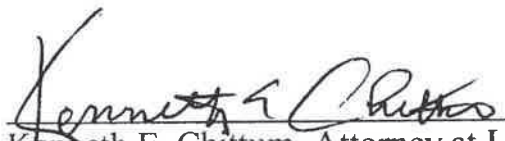
MEMORANDUM TO THE CLERK

The Clerk will please issue Summons for Service in the above-styled action, through the West Virginia Secretary of State. Enclosed please find my check made payable to the Clerk for filing fees in the amount of \$200.00 and forwarding fees in the amount of \$5.00 and my check to the Secretary of State in the amount of \$20.00, please forward same. Upon notification of service, please notify the undersigned of receipt.

The Defendants (**Wal-Mart Stores, Inc. c/o Wal-Mart Claims Services, Inc., P.O. Box 14731, Lexington, KY 40512-4731**) will have 30 days within which to answer said Complaint.

This the 12th day of November, 2021.

Geneva Belcher and Bettis Belcher,
By Counsel.


Kenneth E. Chittum, Attorney at Law
P.O. Box 650
Bluefield, WV 24701
(304) 327-2550
WV State Bar No. 6168

COPY

SUMMONS

IN THE CIRCUIT COURT OF MERCER COUNTY, WEST VIRGINIA

GENEVA BELCHER and
BETTIS BELCHER,

PETITIONER,

VS.

CIVIL ACTION NO.: 21-C-224-MW

WAL-MART STORES INC,

RESPONDENT

To the above named Defendant: WAL-MART STORES INC
P.O. BOX 14731
LEXINGTON, KY 40512

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby summoned and required to serve upon KENNETH CHITTUM, whose address is P.O. BOX 650, BLUEFIELD, WV 24701, an Answer, including any related counterclaim you may have, to the Complaint filed against you in the above-styled civil action, a true copy of which is herewith delivered to you. You are required to serve your Answer within THIRTY(30) days after service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint, and you will be thereafter barred from asserting in another action any claim you may have which must be asserted by counterclaim in the above styled civil action.

DATE: NOVEMBER 15TH, 2021

JULIE BALL

Clerk of the Circuit Court
By Her Deputy

FILED

NOV 15 2021

JULIE BALL

CLERK CIRCUIT COURT
MERCER COUNTY

IN THE CIRCUIT COURT OF

Mercer

COUNTY, WEST VIRGINIA

CIVIL CASE INFORMATION STATEMENT
(Civil Cases Other than Domestic Relations)**I. CASE STYLE:**Case No. 21-C-224Judge: Mark Wills**Plaintiff(s)**Geneva Belcher & Bettis Belcher
180 Butternut Drive
Princeton, WV 24740

vs.

Defendant(s)Wal-Mart Stores Inc**Days to****Answer****Type of Service**30Secretary of State**Name**P.O. Box 14731**Street Address**Lexington, KY 40512-4731**City, State, Zip Code****II. TYPE OF CASE:**

- ☒ General Civil
- ☐ Mass Litigation [As defined in T.C.R. 26.04(a)]
- ☐ Asbestos
- ☐ FELA Asbestos
- ☐ Other: _____
- ☐ Habeas Corpus/Other Extraordinary Writ
- ☐ Other: _____

- ☐ Adoption
- ☐ Administrative Agency Appeal
- ☐ Civil Appeal from Magistrate Court
- ☐ Miscellaneous Civil Petition
- ☐ Mental Hygiene
- ☐ Guardianship
- ☐ Medical Malpractice

III. JURY DEMAND: ☒ Yes ☐ No CASE WILL BE READY FOR TRIAL BY (Month/Year): ____ / ____ / ____**IV. DO YOU OR ANY OF YOUR CLIENTS OR WITNESSES IN THIS CASE REQUIRE SPECIAL ACCOMMODATIONS?**☐ Yes ☐ No**IF YES, PLEASE SPECIFY:**

- ☐ Wheelchair accessible hearing room and other facilities
- ☐ Reader or other auxiliary aid for the visually impaired
- ☐ Interpreter or other auxiliary aid for the deaf and hard of hearing
- ☐ Spokesperson or other auxiliary aid for the speech impaired
- ☐ Foreign language interpreter-specify language: _____
- ☐ Other: _____

Attorney Name: Kenneth E. Chittum**Firm:** Attorney at Law**Address:** P.O. Box 650 Bluefield, WV 24701**Telephone:** 304-327-2550**Representing:**

- ☒ Plaintiff ☐ Defendant
- ☐ Cross-Defendant ☐ Cross-Complainant
- ☐ 3rd-Party Plaintiff ☐ 3rd-Party Defendant

☐ Proceeding Without an Attorney

Original and _____ copies of complaint enclosed/attached.

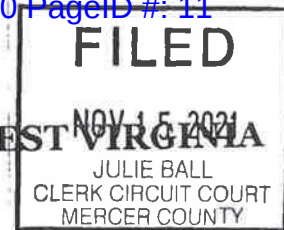
Dated: 11 / 12 / 2021Signature: Kenneth E. Chittum

SCA-C-100: Civil Case Information Statement (Other than Domestic Relations)

Revision Date: 12/2021out for
Service by
Secretary of State

\$205.00

to clerk



IN THE CIRCUIT COURT OF MERCER COUNTY, WEST VIRGINIA

GENEVA BELCHER and
BETTIS BELCHER,

PLAINTIFF,

VS.

CIVIL ACTION NO: 21-C-224-mw

WAL-MART STORES, INC.,

DEFENDANT.

COMPLAINT

COMES NOW, the PLAINTIFFS, by and through their undersigned counsel, who, for their Complaint, allege and state as follows:

PARTIES

I.

Plaintiffs Geneva Belcher and Bettis Belcher are and were at the time of the incident herein complained of, a resident and citizen of Mercer County, West Virginia.

II.

Defendant, WAL-MART STORES, INC., is and was at the time of the incident herein complained of, a foreign corporation authorized and doing business in the State of West Virginia.

JURISDICTION AND VENUE

III.

The negligent acts herein complained of occurred at the WAL-MART STORES, INC., located at 201 Greasy Ridge Road, Princeton, WV, Mercer County, West Virginia.

NEGLIGENCE

IV.

On or about May 22, 2020, the Plaintiff, Geneva Belcher, was a patron of the WAL-MART store located at 201 Greasy Ridge Road in the City of Princeton, Mercer County, West Virginia.

V.

At the time and place aforesaid, while on said premises as a business invitee, **GENEVA BELCHER** was walking down the aisle looking at products for sale when she slipped in what appeared to be spilled material that was not open and obvious and **GENEVA BELCHER** fell to the ground and suffered serious personal injuries. Ms. Belchers include broken bones, pain and suffering which is permanent in nature.

VI.

At the time and place aforesaid, Defendant WAL-MART STORES, INC. was under a non-delegable duty to supervise the actions and conduct of its agents, servants, employees, representatives and/or assigns and to safeguard its patrons and general public to protect them from any harm which might be caused by agents, servants, employees, representatives and/or assigns of **WAL-MART STORES, INC.**, or other individuals who might have contact with their patrons.

Defendant **WAL-MART STORES, INC.** was negligent in its hiring, retention, employment and training of its employees.

Under the theory of respondent superior, Defendant **WAL-MART STORES, INC.** is responsible for the actions and/or inactions of its agents, servants, employees, representative and/or assigns are acting within their employment and/or agency relationship with **WAL-MART STORES, INC.**

VII.

The Defendant, **WAL-MART STORES, INC.**, so carelessly and negligently inspected the floor and failed to clean the liquid in the aisle, so as to cause or to allow Plaintiff, **GENEVA BELCHER**, to fall to the ground with great force and violence.

VIII.

The Defendant, **WAL-MART STORES, INC.**, was responsible for inspecting, maintaining and insuring general upkeep of the premises located on Greasy Ridge Road, Mercer County, Princeton, West Virginia provided for the use of its patrons. On May 22, 2020 **WAL-MART STORES INC.**, was aware, or reasonably should have been aware, that the dangerous and defective condition existed. Defendant **WAL-MART STORES, INC.**, also had a duty to warn Plaintiff of such dangerous and defective condition, but wholly failed to do so.

IX.

The Defendant, **WAL-MART STORES, INC.**, was responsible to the inspection and/or maintenance and/or care of said store and was reckless and/or negligent and/or careless in the following particulars:

a. Defendant failed to inspect the store and they failed to discover and remove and/or repair dangerous and defective conditions of said store, which presented a hazard to the public generally and to the Plaintiff, **GENEVA BELCHER**, specifically, and which dangerous and defective conditions were in existence for such a period of time that they should have been discovered and repaired in the exercise of reasonable care on the part of the Defendant.

b. Defendant failed to provide reasonable and adequate maintenance to said store and allowed the same to fall into a state of dangerous and defective conditions, all to the harm of the Plaintiff, **GENEVA BELCHER**.

c. Defendant failed to warn the public generally and the Plaintiff, **GENEVA BELCHER**, specifically, of any hazards and/or dangerous and defective conditions of the said store; and

d. The Defendant was negligent in the selection, training, retention of those employees whose duties were to inspect and maintain a safe walking area in defendant's store.

DAMAGES AND INJURIES

X.

As a direct and proximate result of the negligence of the Defendant, the Plaintiff, **GENEVA BELCHER**, was caused to be injured about her body and mind, thus sustaining physical and mental pain and suffering; a diminution in her capacity to enjoy life; embarrassment; humiliation; annoyance and inconvenience; and has incurred expenses for traveling and medical care. In addition, such injuries, damages and expenses are permanent and continuing in nature.

XI.

Plaintiff, **BETTIS BELCHER**, husband of **GENEVA BELCHER**, hereby incorporates and makes a part hereof as if set forth at length, all and singular, the allegations contained in the paragraphs of co-plaintiff's Complaint and further complains that as a direct and proximate result of the actions of the Defendant, the Plaintiff, **BETTIS BELCHER**, did and has suffered a loss of consortium, services, society and other related services of co-Plaintiff, **GENEVA BELCHER**, and will continue to suffer such losses into the future.

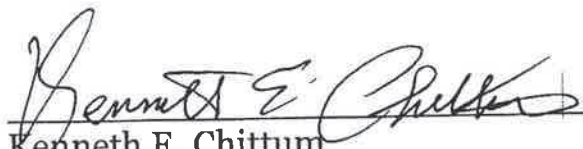
XII.

WHEREFORE, Plaintiffs, **GENEVA BELCHER and BETTIS BELCHER** judgment against the Defendant, **WAL-MART STORES, INC.**

jointly and/or severally in an amount which will fully and adequately compensate them, together with pre-judgment and post-judgment interest, court costs, attorney fees and for such other relief as this court deems appropriate.

Plaintiffs demand a trial on all issues by a jury.

Geneva Belcher and
Bettis Belcher,
By Counsel.


Kenneth E. Chittum
Attorney at Law
P.O. Box 650
Bluefield, WV 24701
304-327-2550 Phone
304-327-0532 Fax
WV State Bar ID: 6168